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ABSTRACT

Prominent contemporary theories of academic argument are based upon jurisprudential models where argument is analogous to forensic discourse. Yet the implications of classical notions of testimony and the rhetorical function of citation make academic argument more a deliberative activity than the forensic one suggested by contemporary theorists. Contemporary practices illustrate academic argument's greater kinship with deliberative discourse in a reliance on experts' citations to provide the major premises and warrants by which to test the given claim, sensitivity toward the credibility of advocacy, and future orientation toward knowledge as policy about the world. (Twenty-three notes are included, and 19 references are attached.) (Author)

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TOWARD A DELIBERATIVE VIEW OF

ACADEMIC ARGUMENT

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CITING OUR PREMISES: TOWARD A DELIBERATIVE VIEW OF ACADEMIC ARGUMENT

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ABSTRACT:

Prominent contemporary theories of academic argument are based upon jurisprudential models where argument is analogous to forensic discourse. Yet the implications of classical notions of testimony and the rhetorical function of citation make academic argument more a deliberative activity than the forensic one Toulmin and Perelman suggest. Contemporary practices illustrate academic argument's greater kinship with deliberative discourse in a reliance on experts' citations to provide the major premises and warrants by which to test the given claim, sensitivity toward the credibility of advocacy, and future orientation toward knowledge as policy about the world.

Rhetoric of inquiry projects currently popular across fields and campuses aim to explain how the inherently selective and suasory processes of academic argument lead to what we call knowledge. Rhetoric in this sense refers not only to such processes, but also to the texts produced in and as a result thereof--convention papers, journal articles, books, and so forth. One trait nearly all of them share is a dependence on outside sources--the words and ideas of others. Tucker et al. claim in Research in Speech Communication that prior work on a given topic be acknowledged for heuristic purposes in the review of literature.

> By familiarizing yourself with the body of existing knowledge and theory on the topic, you are better able to integrate your projects into existing theory and build on the work of predecessors. Your purpose in reviewing the literature is to define the boundaries of knowledge.[1]

Yet acknowledgement of extant knowledge and expert opinion in an academic argument is often more than a literature review. In both quantitative and qualitative research among a variety of fields, scholars cite prior studies and theories to ground their own work. And in philosophical or theoretical argument, scholars can to a large extent cite what is most expedient: whatever and whomever are cited become testimonies and witnesses to the validity of the claim. Citation is, in this respect, a strategic activity designed to gain acceptance of one's claim. In this paper I explore citation in contemporary academic argument. I suggest that, in three areas, its use makes the practice of argument as analogous to deliberation as to jurisprudence, upon which many models of argument are based. First, testimony in academic argu-

ment does not testify to the specific claim at hand, but is wrested out of prior knowledge claims. Second, the use of others' theories to ground a new knowledge claim implicates a form of conditional reasoning: to the extent that the theory cited is valid, the new knowledge claim can also be considered valid. Third, whereas in jurisprudence argument on a claim ultimately ends, in academic argument discussion can continue ad infinitum without a judgment ever being made. Academic argument's kinship with deliberation lies in this use of research credibility for advocacy and a future orientation toward knowledge as policy about the world. The different foci of knowledge implied in a deliberative as compared to jurisprudential analogy significantly influence how we conceive of the world around us and how we use rhetoric within that world to enable us to act with one another.

JURISPRUDENTIAL VIEWS OF ARGUMENT

Two contemporary scholars noted for their contributions to argument theory base their models of argument on jurisprudence. Stephen Toulmin in The Uses of Argument notes that argument is analogous to law.

> Logic (we may say) is generalised jurisprudence. Arguments can be compared with law-suits, and the claims we make and argue for in extra-legal contexts with claims made in the courts, while the cases we present in making good each kind of claim can be compared with each other. A main task of jurisprudence is to characterise the essentials of the legal process: the procedures by which claims-at-law are put forward, disputed and determined, and the categories in terms of which this is done. Our own inquiry is a parallel one.[2]

To accommodate the lack of fixed procedures across fields of inquiry and escape absolute truth criteria, Toulmin offers the war-

rant. More specifically, warrants are "general, hypothetical statements, which can act as bridges, and authorize the sort of step to which our particular argument commits us."[3] While warrants serve in the place of hard and fast laws, they move academic argument away from jurisprudence: their function is the same; their substance is not. Warrants are internal to an argument--contained or implied within it--and serve a premise-like function in linking data to a claim. They can be found in any argument and, in just about any argument, the arguer can select the most appropriate warrant to authorize his/her reasoning. With the selection of the warrant thus left to the arguer, the laws whose place the warrant assumes become external to the argument. In jurisprudence, however, law is integral to the argument: to it claims must specifically be addressed. In this way, codified law constrains legal argumentation to a greater extent than can the warrant. For example, if in a legal case A is charged with reckless driving, A's argument may go: "I was trying to escape a car following closely behind me. It seemed intent on running me off the road. Because it is reasonable to flee from danger, my reckless driving was justified." This appears a valid defense based on an acceptable warrant: fleeing danger is proper action. Yet while the warrant may be acceptable and the argument logical, the law still prohibits reckless driving and A stands a chance of being found guilty of the charge. In this way, the law provides non-negotiable constraints on argument. There seems to be nothing quite parallel to this in academic argument. That is, the

framework for argument is itself negotiable across fields, and across time within fields. As Nelson notes, the philosophical equivalents of law for academic argument are "political rather than transcendental--whether in action or theory, whether inside or outside the academy."[4] Hence, when a scholar enters into the "court" of academic argument, he/she finds that not everyone in every field of inquiry is required under penalty of perjury to follow the same method of inquiry or argument.

This distinction between codified law and the warrant is found in Chaim Perelman's works on philosophical argument, which have also drawn on a legal model. In a posthumously published article, he emphasized: "The thesis which I have defended for thirty years is that <u>law plays a role in regard to argumentation analogous to that of mathematics in regard to formal logic</u>."[5] Yet Perelman also noted that the practices are not identical.

> [The] analogy with law is acceptable on the condition that one does not lose sight of the differences . . . the judge is guided by rules to which he has to conform his judgment . . . but in philosophy, there is neither the authority of the <u>res judicata</u> nor a judge competent to settle philosophical debates. Rather, one appeals to the 'tribunal of reason'.[6]

To accommodate the differences between law and philosophical argumentation, Perelman introduces the notion of a "Universal Audience"--the ephemeral "tribunal of reason" to which he refers and which accounts for the fallible, human nature of argument premises.[7] According to Perelman, in an activity that provides few rules applicable to all, scholars rely upon an ideal concept of argumentative practice and an ideal potential panel of peers in order sufficiently to adapt arguments toward a real audience.

Some scholars scoff at the idea of a great jury panel in the sky as not sufficiently pragmatic or material to offer real alternatives to peer review of one's arguments. Because the universal audience does not, for all practical purposes, exist, real consequences of and for the claim are expected to come from academic colleagues. But there are few situations--the dissertation defense, for example--where colleagues do convene as a jury to discuss the claim's validity and render a final verdict. Instead, discussion can continue indefinitely among any variety of colleagues. Perelman's caution on the limits of a jurisprudential analogy, then, is well taken: the warrant cannot substitute for codified law; the universal audience has not the punitive power of judge or jury; and discussion on a knowledge claim seldom renders a final verdict."

Toulmin and Perelman's theories come as humane responses to mechanistic notions of argument where criteria are external to the substance of arguments. Combined, Toulmin and Perelman's theories render premises and foundations for argumentative validity of human manufacture, bound to situational and temporal conceptions of reason and rationality. In Human Understanding, Toulmin describes the problem herein presented to scholars as well as our views of knowledge.

> If all men's concepts, interpretations, and rational standards--in moral or in practical life, in natural science or even mathematics--are historical and cultural variables, so that our habitual modes of thought are as much reflections of our particular time and place as our habitual modes of social behaviour, then the same fundamental problem arises in each case. What solid claims can any concepts and modes of thought have on our intellectual allegiance?"

Where there are no wholly external bases or foundations, argumentative validity depends to a great extent upon what has been done and said in the past--on scholarly habit. A primary habit in contemporary academic argument and theory construction among many fields is the use of sources and citations as witnesses to testify to a claim's validity. This idea of argumentative validity echoes classical views on witnesses and their testimony, which views continue prominent in argument pedagogy.

CLASSICAL NOTIONS OF TESTIMONY

Aristotle distinguished between two kinds of proofs, those external and existing beforehand, such as witnesses, and those intrinsic to rhetoric. "The first sort have only to be used; the second have to be found."[10] Aristotle further distinguished among types of witnesses whose ethos differed in quality regardless of the claims their testimony was used to support:

> witnesses fall into two classes (1) ancient and (2) recent . . . By ancient witnesses are meant the poets and other men of note whose judgments are on record . . . Recent witnesses are any notable persons who have pronounced judgment on some matter; their judgments are useful to those who are contending about the same issues . . . Most credible of all are the ancient witnesses, since there is no possibility of corrupting them."

The distinction between ancient and recent witnesses based on the recorded or non-recorded nature of their testimony is significant for contemporary scholars. We can compare ancient witnesses to scholars cited in contemporary argument because their words are fixed in texts. We cannot bribe John Locke or Kenneth Burke, for example, to have written exactly what we want them to in order to prove our claim, nor can we call upon them to speak with us in

spontaneous debate. If neither has said anything pertinent to our claim, we can simply select other ancient and incorruptible witnesses--or anyone else for that matter. As Aristotle noted, one is never without witnesses:

> For if you have no testimony regarding the fact from witnesses whose evidence will support your man or tell against his adversary, still you can always find witnesses in regard to character whose evidence will tend to establish the respectability of your man or the worthlessness of his adversary.'[12]

With witnesses thus seemingly unlimited, the arguer has the power selectively to use those witnesses or sources whose testimony supports the claim under question, or praises or blames the character of other potential sources. That we select and use witnesses implies that much of the validity of a knowledge claim depends upon the scholar's ability to use just those sources and citations that best promote acceptance of the claim.

It is with this selectivity in mind that Cicero's managerial theory of rhetoric indicated a distrust of witnesses. Argument, for Cicero, was a means to make efficacious, expedient decisions. Toward this end, as Aristotle also claimed, witnesses were to be used, not discovered, and were external to the argument. Hence, in De Partitione Oratoria Cicero claimed that an argument reliant upon witnesses was much different from any other type.

> Cicero: Arguments thought of without using a system I term arguments from outside, for instance the use of evidence of witnesses.
> son: What do you mean by internal arguments?
> Cicero: Those inherent in actual facts of the case.
> son: What kinds of evidence are there?
> Cicero: Divine and human . . . human evidence is what is viewed in the light of authority and inclination and things said either freely or under compulsion--the evidence that includes written documents, pledges, promises, statements

made on oath or under examination.'[13]

Cicero's distinction between the two types of evidence from witnesses was based upon levels of ethos. In his view, arguers could, in addition to selecting and using witnesses, "declare how unreliable all witnesses are as a class, and to say that proofs are matters of fact but the evidence of witnesses is a matter of personal inclinations."[14] For Cicero, then, the problem with witnesses was not only that they could be corrupted or misused, but that the nature of their testimony was also suspect. As external proof, testimony had as its only foundation that of a secondary ethos.

> Proofs adapted from the outside are such as rest upon no intrinsic force of their own but upon external authority, instances being 'This is true, for Quintus Lutatius said so': 'This evidence is false, for torture has been employed': 'This must inevitably follow, for I am reading from the documents.'[15]

The secondary or external authority came from the credibility of the witness, not specifically what the witness offered in terms of proof for the claim under question, thereby making the testimony credible in relation to its source. These classical distinctions made among the credibility of the witness, the credibility of the testimony, and the arguer's shaping of both are important to contemporary scholars. While we are free to cite whomever we wish, the credibility of the source cited is in many respects as important to a knowledge claim as the credibility of his/her words cited. Indeed, a knowledge claim's probability increases proportionately with the number, relevance, and credibility of sources and citations that support the claim. We may not

be able to corrupt those witnesses, but we can and do select portions of their words to support an argument of whose existence they may have no idea, and then use those witnesses' ethos to support our claim. In other words, instead of calling the witness to testify to our claim--a geographic and temporal impossibility in many instances--we take portions of his/her written testimony on a claim argued in the past, in another place, in another situation and make that testimony fit our own claim. This practice leads indirectly back to Plato's concerns about writing, and directly into the rhetorical function of citation in contemporary academic argument.

In Plato's Phaedrus, Socrates claimed that truth was independent of its speaker. Thus, when Socrates used others' testimony to support his claim, he need not cite the sources.

> Socrates: Ancient history has produced sages, both men and women, who have written and spoken on the same topic . . .
> Phaedrus: Now who may they be?
> Socrates: At the moment I can't tell you. But I'm quite sure I heard it somewhere . . . I am quite aware that it is not from myself that such ideas come . . . though again, because of my stupidity I can't remember how and from whom I've heard them.[18]

While Socrates did acknowledge the limits of his own memory, it didn't seem to concern him that he couldn't attribute the words and ideas he used to their original sources. The sources of testimony didn't matter as long as the words were Truth. Where ethos did matter to Plato was in written materials.

> [Writing] will produce forgetfulness in the souls of those who have learned it. They will not need to exercise their memories, being able to rely on what is written, calling things to mind no longer from within themselves by their own unaided powers, but under the stimulus of marks that are

alien to themselves.'"

Inscribed knowledge was more easily retrievable and more easily used in future claims. It was also authored, not necessarily "Truth;" therefore, Plato claimed that the author's ethos would be more influential than the truth of his/her argument, regardless of how well the argument may be reasoned or written.

> Writing, you know, Phaedrus, has this strange quality about it, which makes it really like painting: the painter's products stand before us quite as though they were alive; but if you question them, they maintain a solemn silence. So, too, with written words: you might think they spoke as though they made sense, but if you ask them anything about what they are saying, if you wish an explanation, they go on telling you the same thing, over and over forever. Once a thing is put in writing, it rolls about all over the place, falling into the hands of those who have no concern with it just as easily as under the notice of those who comprehend; it has no notion of whom to address or whom to avoid. And when it is ill-treated or abused as illegitimate, it always needs its father to help it, being quite unable to protect or help itself.'"

Writing cannot answer for itself however loudly it may initially speak and its authors, particularly if dead and thus incorruptible according to Aristotle, have few chances to speak to the appropriateness of others' uses or interpretations. The words speak for others, whether or not authors approve or agree with what others will say or do with the words.

To summarize, classical views are somewhat skeptical toward witnesses and testimony. Both are to be selected and used by the arguer; both can be corrupted; both have differing levels of ethos; and, when written, testimony can be separated from its immediate argument to support another, thus seeming to make the witness speak to a claim over which he/she has little control.

This last concern is particularly relevant to contemporary scholars, for in academic argument testimony is separated into two functional categories. One provides data for claims--the response of the subject or the words of the orator, for example. A second provides premises and foundations for claims made about that data. This second sort of testimony, common in philosophical and theoretical argument, comes from theorists whose words are, however gently, removed from their original context and placed within a new one to support a new claim.

CONDITIONAL REASONING WITH CITATIONS

Contemporary academic argument is not generally immediate or face-to-face. Instead, arguments are sent in written texts among correspondents who, in many instances, have little knowledge of each others' existence. Writing ultimately grounds words to speakers and writers, testimony to witnesses, citations to sources through authorship. Writing places a signature on truth as "so and so's" claim, allows a speaker to say, "according to so-and-so," and brings to the forefront the ethos of that writer. Copyright laws further insure that scholars formally acknowledge the testimonies used. Sources cited in academic argument do act as witnesses, but they are not immediately privy to others' claims as is the subpoenaed court witness, nor do their testimonies speak directly to the claim at hand.

We might call them accidental witnesses. Their testimonies are secondary, twice-removed in a citation that supports another's claim. The first removal occurs as the reader and citer

extend the testimony into their own interpretations of what was meant and into what new contexts the words can be put. The writing and original author cannot answer for themselves, but depend upon the comprehension of readers. Often, the author is ignorant of the interpretations his/her writing inspires or of the uses to which his/her words will be put and, hence, cannot be held wholly responsible for those uses.

The second removal of testimony occurs as certain passages are merged into a secondary argument. The author's own argument may or may not be compatible with the secondary, and may or may not serve as a valid premise thus taken out of the original context. The significance of this twice-removal of testimony from its original context is most apparent in the words we cite to provide the theoretical foundations for our arguments. Each time we cite prior theories and explanations that do not function as data within our arguments, those prior theories and explanations serve as grounds or rationales for adopting a particular stance to the artifact or data under study.

Within the argument proper, those theories and explanations become major premises on which the validity of the argument rest: to the extent that Theory X cited is true or valid, conclusions drawn about data based upon that theory are likewise true or valid. In a legal setting, such prior theories and explanations that might be used to found a specific argument are inadmissible evidence. In academic argument, however, there is no statute of limitations or specific time length for discovery of evidence.

There are no enforceable limits as to the time periods from which evidence may be drawn for a claim. There is no judge to determine which items of evidence are admissible or to be stricken from the record. Instead, the admissibility of prior theories used to ground an argument depend upon the scholar's ability wisely to choose those with the greatest credibility in his/her field of inquiry. That credibility implicates a warrant of authority to validate the inferential movement from data to claim. The author cited and his/her theory thus become dually significant for the new argument: both must have sufficient ethos within the field for the new argument also to be credible.

This leads less to the enthymematic form of reasoning Aristotle claimed of forensic argument than to a conditional form: "if so-and-so is correct in theory X, then my claim Y is true." The validity of the conclusion depends upon the truth of the major premise--on the citations of others' writings that provide the theoretical foundations for making knowledge claims about any given topic. Because so many theorists and theories on any given set of phenomena conflict, there is no one baseline by which to judge a pertinent claim or sufficiency of proof. Where there is doubt or an alternate theory on which a claim can rest the reasoning <u>is</u> conditional, especially since the arguer can select the theories on which the claim is to rest. The rhetorical function of citation, then, appears in the strategic selection of theories upon which to base one's argument--theories that compete with others for acceptance at the same time that they found new theo-

ries. Laws and procedures in academic argument thereby become practical and managerial ones of habit, prudence, and the credibility of advocacy.

A DELIBERATIVE VIEW OF ARGUMENT

The practice of grounding our arguments on citations--others' credible theories--I want to suggest, makes academic argument analogous to the process of deliberating on problems. We locate the problem, seek the advocacy and opinions of those familiar with the particular problem or similar ones past or present, decide what to do about the problem, locate the available means necessary to solve it, and so assemble and put to use those means as to result in a proposal whose desired end is knowledge. All the while we know that the bases for those decisions and processes are not indefinitely fixed or settled, nor is every field of inquiry subject to the same sorts of bases that for all practical purposes have been fixed. The "problem" to be solved is simply that of what to do with things we discover, think possibly to be true, think possible at all, and how to go about making them true enough to warrant further tests of their efficacy.

The arguer as deliberator assembles sources currently considered qualified to speak about the situation, then expands on their testimonies in quilt-like fashion toward a new knowledge proposal. The sources can't really speak to the claim at hand; rather, they are consultants whose testimony explains what was thought or done about similar situations in the past. Aristotle's notion of invention and the "re" prefix of "research"

underscore this movement of drawing from the past to prove present arguments. Taking those prior explanations as the starting points for current argument, we reason that if they were true and/or helpful, then our explanation based upon them is also true and/or helpful. All the while we know that our explanation, as proposal, is subject to future debate.

In this light, to make a knowledge claim is to look for what has already been said, make it apply to, support, and reinforce that new knowledge claim. Peirce notes that "the process of inference, or the spontaneous development of belief, is continually going on within us . . . belief is partly determined by old beliefs and by new experience."[19] Theorists and theories with the greatest credibility in any given field provide the foundations upon which new knowledge is built. Sources and citations that provide major premise-like foundations in argument are correct to the extent that other scholars make them so through the habits of continued analysis, citation, and use as foundations for further investigations and claims. Perpetuation of these habits reinforces the credibility of witnesses, and makes their cited testimony into fact. But when scholars question the foundations to find that they are both rhetorical and political--not fixed at all--then the portions of other scholars' works which provide theoretical foundations for claims are just as open to argument, as evidenced in the paradigmatic shifts that occur from time to time in any field of inquiry. To view the practice of academic argument as a form of deliberation underscores these extra-logi-

cal constraints placed upon scholars and allows greater room for acknowledgement of the situations in which knowledge claims are made and knowledge is created.

THE FUTURE ORIENTATION OF KNOWLEDGE

As Perelman alluded, the proof of knowledge is not so much in the pudding but in the test of time. In a court of law, the majority of decisions are final, and discussion of the specific case is closed. The case is never closed in academic argument. Knowledge in general is future-oriented: it is always open for reconsideration and reshaping with new claims. Heidegger has claimed that what we now consider truth is really only a form of correctness of opinion.[20] Examples that illustrate doubt about the truth or falsity of knowledge abound in and outside of academe.[21] Indeed, Gadamer notes that "all science and all techne is this sort of positive dialectic,"[22] referring to continued deliberation on knowledge claims.

The practice of citation calls attention to this relationship among time, speakers, and audiences. Of that trio, time has been the least studied in treatments of argument. Time appears not to be important in academic argument, perhaps because the ephemeral element of theory makes those cited as premises for investigation appear to be applicable to many time periods. Yet, as Toulmin explains, the temporal element of argument and knowledge is of significant import for scholarly practice because knowledge is not a cumulative set of facts.

> Instead of being introduced at one and the same time, and all of one piece, as a single logical system with a single

> scientific purpose, different concepts and theories are introduced into a science independently, at different times and for different purposes. If they still survive today, this may be because they are still serving their original intellectual functions, or else because they have since acquired other, different functions; and we are free to replace, modify, or supplement those concepts independently in the future, as our legitimate scientific occasions require. This means recognizing that an entire science comprises an 'historical population' of logically independent concepts and theories, each with its own separate history, structure, and implications.[23]

To skip the temporal element in argument and knowledge is to de-emphasize the derived nature of ethos for both sources and theories cited and to ignore the historical situations in which they came to be. When those theories are pulled from their immediate context and used to found new theories in the future, at the same time that they compete for acceptance with other theories, the rhetorical and political workings of the present become apparent.

The advances made in Toulmin and Perelman's theories help to illustrate, if inadvertently, the utility of such a practice-based view of argument and a future-oriented view of knowledge. Toulmin's warrant illustrates that the logical grounds for argumentative validity depend upon what is taken to be true or reasonable in the present in and across fields of inquiry. Perelman's universal audience illustrates that claims made today become knowledge in the future to the extent that they do or can be made to fit prevailing notions of reasonableness in and among fields. These notions emphasize the human element in knowledge construction, as well as the temporal nature of knowledge.

A DELIBERATIVE VIEW OF KNOWLEDGE

To view academic argument as a process of deliberation on

knowledge proposals also highlights a primary argumentative constraint on scholars: of all the witnesses one could use toward proving a claim, which not only have the testimony most relevant to present circumstances, but enjoy the greatest ethos? Credibility does and will change over time, and depends upon continued use of the witness and testimony to support new claims. Witnesses, advocates, theorists we cite come and go. Some are given greater and lesser credibility at any given time and on any given project. Their opinions change. Others' opinions challenge theirs. Facts are proven wrong, and what we deem true changes. Peer judges may make some immediate decisions, but in the long run their decisions are ones of policy--what is to be done about what is thought to be true at any given time given the available resources. Knowledge in this respect comes to be temporal policy about how the world is and how to react to it, and the strongest of this kind of policy is often called a paradigm.

That is, as knowledge is shaped over time to refer to the needs and questions of the present, what we consider knowledge is a plan for how to now view the world based upon current standards of reasonableness and the credibility of those sources called upon to offer assistance in solving the problems of what we think to be true. And that what we consider knowledge in the present is open for revision in the future implies that our explanations of and reactions to the world can and will change with time.

Such a view is not particularly new. Scholars of rhetoric have historically advocated varying views of knowledge. Hera-

clitus emphasized a temporally-bound view and Gorgias a subjectively-derived one, while Campbell and Whately argued for views that acknowledged rhetoric's role in obtaining belief. Such views continue now in scholarly concern with how knowledge is rhetorically made and how rhetoric is epistemic in that making.

Jurisprudential models offer a different conception of knowledge, one to which contemporary practices do not always attest. These models implicate a valid knowledge claim as already having been true and continuing so; rhetoric of inquiry and a deliberative view of knowledge implicate it as being true enough for now, and possibly for some time to come--a knowledge policy decided among acknowledged experts with the assistance of those who have lent aid to similar situations in the past. Such a view emphasizes more fully the temporally- and contextually-bound nature of knowledge, its rhetorical making, the necessity of similar knowledge claims or experts to back the claim, the presence of concurrent beliefs necessary for the claim to be granted knowledge status, the constraints of ethos, and the likelihood that someone, somewhere will eventually and perhaps successfully refute that knowledge. A deliberative, policy view of knowledge likewise acknowledges the rhetorical and social construction of the world we inhabit, which we nevertheless take as being True, true, factual, cyclical--never fundamentally mutable in its presence.

ENDNOTES

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3. Toulmin, The Uses of Argument 98.

4. John S. Nelson, "Political Foundations for Rhetoric of Inquiry," unpublished essay, 6. Forthcoming in Herbert W. Simons, ed. The Rhetorical Turn (Chicago: U Chicago Press, 1990).

5. Chaim Perelman, "The New Rhetoric and the Rhetoricians: Remembrances and Comments," QJS 70 (1984) 195.

6. Chaim Perelman, "Philosophy and Rhetoric," Advances in Argumentation Theory and Research, eds. J. Robert Cox and Charles Arthur Willard (Carbondale, IL: SIU Press, 1982) 289.

7. Perelman's Universal Audience has been sufficiently discussed in other analyses and, hence, does not warrant elaborate discussion here. See: Lisa S. Ede, "Rhetoric Versus Philosophy: The Role of the Universal Audience in Chaim Perelman's The New Rhetoric," CSSJ 32 (1981): 118-125; John W. Ray, "Perelman's Universal Audience," QJS 64 (1978): 361-375; Allen Scult, "Perelman's Universal Audience: One Perspective," CSSJ 27 (1976): 176-180. Perelman claims in "The New Rhetoric and the Rhetoricians: Remembrances and Comments" that only he and Scult have got it right.

8. For further discussion on the limits of Toulmin's jurisprudential analogy, see Charles Arthur Willard, Argumentation and the Social Grounds of Knowledge (University, AL: U Alabama Press, 1983) 146-233.

9. Stephen Toulmin, Human Understanding, Vol. I General Introduction and Part I. (Princeton, NJ: Princeton U Press, 1972) 50.

10. Aristotle, The Rhetoric of Aristotle, trans. Lane Cooper (Englewood Cliffs, NJ: Prentice-Hall, 1932) 8.

11. Aristotle, Rhetoric 82-83.

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13. Cicero, "De Partitione Oratoria," De Oratore Book III, De Fato, Paradoxa Stoicorum, and Partitiones Oratoriae, trans. H. Rackham (Cambridge, MA: Harvard U Press, 1982) 315.

14. Cicero, "De Partitione Oratoria" 349-351.

15. Cicero, De Oratore Books I & II, trans., E. W. Sutton and H. Rackham (Cambridge, MA: Harvard U Press, 1976) 321-323.

16. Plato, Phaedrus, trans. W. C. Helmbold and W. G. Rabinowitz (Indianapolis, IN: Liberal Arts Press, 1956) 13.

17. Plato, Phaedrus 68-69.

18. Plato, Phaedrus 69-70.

19. C. S. Peirce, Philosophical Writings of Peirce, ed. Justus Buchler (NY: Dover, 1955) 130.

20. Martin Heidegger, Poetry, Language, Thought, trans. Albert Hofstadter (NY: Harper and Row, 1971) 50-52.

21. For example, testing continues on claims already deemed true when quantitative researchers more than once assemble large samples for the same study, and when the Food and Drug Administration requires repeated testing of known irritants. Testing continues on knowledge claims made long ago and, by now, accepted as valid when qualitative researchers review the validity of classical theories by applying them to contemporary phenomena, and when State leaders review the applicability of established treaties or policies to present situations. Knowledge claims made in the present will be subject to the test of immediate audience response as well as provoke future testing and consideration.

22. Hans-Georg Gadamer, Platos dialektische Ethik: Phänomenologische Interpretationen zum Philebos (Hamburg: Felix Meiner Verlag, 1983) 15.

23. Toulmin, Human Understanding 130.

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